United Nations A/C.3/53/L.47

General Assembly

Distr.: Limited
12 November 1998

Original: English

Fifty-third session
**Third Committee**
Agenda item 110 (c)
**Human rights questions: human rights situations and reports of special rapporteurs and representatives**

**Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Congo, Costa Rica, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

# The situation of human rights in the Democratic Republic of the Congo

*The General Assembly*,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

*Mindful* that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,[3] as well as to the African Charter on Human and Peoples' Rights,[4]

*Recalling* Commission on Human Rights resolution 1998/61 of 21 April 1998,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1520, No. 26363.

98-35027 (E) 131198

*Having considered* the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo,[5] and taking note of the report of the Secretary-General's Investigative Team,[6]

1. *Expresses its deep concern* at the impact of the current conflict in the Democratic Republic of the Congo on the situation of human rights in that country and its adverse effects on the civilian population;

2. *Takes note with appreciation* of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo;[5]

3. *Expresses its deep concern* at the deterioration of the situation of human rights in the Democratic Republic of the Congo, which has been aggravated by the ongoing conflict in the country and the continuing violations of human rights and international humanitarian law by the Government of the Democratic Republic of the Congo and other parties involved in the conflict, in particular cases of summary and arbitrary execution, disappearances, torture, beatings, arbitrary arrest and detention without trial, sexual violence against women and children and the use of child soldiers, as well as the incitement to hatred against specific ethnic groups and attacks against civilians because of their ethnic origin;

4. *Urges* all parties to the conflict to take the necessary measures to prevent all violations of human rights and international humanitarian law by forces under their command and to abstain from inciting ethnic hatred and from persecuting civilians on the grounds of nationality or ethnicity;

5. *Calls upon* the Government of the Democratic Republic of the Congo to comply with its freely undertaken obligations under international human rights instruments to which the Democratic Republic of the Congo is a party and to promote and protect human rights and fundamental freedoms;

6. *Urges* the Government of the Democratic Republic of the Congo to extend equal protection to all persons under its jurisdiction, regardless of their origin;

7. *Calls upon* the Government of the Democratic Republic of the Congo and other parties to the conflict to allow the International Committee of the Red Cross unhindered access to all persons detained within the territory of the Democratic Republic of the Congo;

8. *Expresses its concern* at severe restrictions on the work of non-governmental organizations and media personnel, including the banning of human rights organizations, and the harassment and detention of human rights defenders and journalists, and urges the authorities of the Democratic Republic of the Congo to address these concerns;

9. *Recalls and welcomes* the expressed commitment of the Government of the Democratic Republic of the Congo to a process of democratization, leading, through the establishment of democratic institutions and the holding of elections, to the creation of a State based on the rule of law and respect for human rights, including representative and accountable government, and calls upon the Government of the Democratic Republic of the Congo to create conditions that would allow for a democratization process that is genuine and inclusive and fully reflects the aspirations of the people of the country, in particular:

(a) The early lifting of the ban on political parties and activities;

(b) Guarantees for equal rights of all ethnic groups in the electoral process;

---

[5] E/CN.4/1998/65 and Corr.1.

[6] S/1998/581, annex.

(c) Freedom of association and assembly;

(d) Freedom of opinion and expression, including access to State and independent media;

(e) Freedom of movement within, as well as to and from, the country, including for representatives of political parties and non-governmental organizations;

10. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of the Constitutional Commission, inaugurated on 5 November 1997, and its elaboration of a new draft Constitution, and calls for a broad and sustained public debate on the principles of the new Constitution before the holding of a referendum;

11. *Also welcomes* the expressed commitment by the Government of the Democratic Republic of the Congo to reform and restore the efficacy of the judicial system, and calls upon the Government to take all necessary measures in this regard;

12. *Recalls* the report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the Democratic Republic of the Congo,[6] and calls upon the Government of the Democratic Republic of the Congo and the Government of Rwanda to investigate, without delay, the allegations contained in the report of the Investigative Team and to bring to justice any persons found to have been involved in massacres, atrocities or other violations of international humanitarian law;

13. *Deplores* the failure of the Government of the Democratic Republic of the Congo to cooperate with the Special Rapporteur, and urges the Government to allow the Special Rapporteur to visit the country;

14. *Welcomes* the activities of the Human Rights Field Office in the Democratic Republic of the Congo and requests the Government of the Democratic Republic of the Congo to extend full cooperation to its operations;

15. *Calls upon* the international community to provide assistance in the field of human rights, in particular to the Human Rights Field Office with a view to reinforcing its capacity to continue to monitor and report on the human rights situation throughout the Democratic Republic of the Congo, to support the efforts of the Government of the Democratic Republic of the Congo towards strengthening the rule of law and the administration of justice, and to provide the necessary assistance with respect to building national capacity, especially to support and strengthen non-governmental human rights organizations;

16. *Underlines* the need to take human rights considerations fully into account in any settlement of the conflict and in any planning for an international peacekeeping or peace-building presence in the country;

17. *Invites* the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to investigate reports and allegations of hate propaganda and policies of ethnic hatred in the Democratic Republic of the Congo and to include relevant information in his report to the Commission on Human Rights at its fifty-fifth session;

18. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its fifty-fourth session.

---